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FM AMEMBASSY MANILA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2359  
INFO RUEHNH/AMCONSUL NAHA IMMEDIATE 0030  
RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE  
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE

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SUBJECT: MARINE CASE UPDATE 08/04/06

REF: MANILA 3176 AND PREVIOUS

¶1. The trial of the four Marines accused of raping a Filipino woman was suspended August 1 due to the illness of a prosecution witness, and will probably not resume for two more weeks. Judge Benjamin Pozon said he was unhappy with this delay, but believed it to be unavoidable. He ordered the Prosecution to resume witness testimony August 17, and once completed they will have five days to file a Formal Offer of Evidence. The Judge will then give the Defense five days to comment before he rules on its admissibility. The Defense is expected to begin its case September 4, which pushes the earliest possible date for a verdict into October.

¶2. The Defense is considering presenting two "expert" witnesses, in addition to the four Marines themselves and possibly two Marine witnesses (reftel). One expert is both a forensic scientist and an attorney. The other one is the former Chief of the Philippine National Police Crime Lab.

¶3. The legal standing of the Starex van driver Timoteo Soriano is still unresolved. The Prosecution said August 1 that they will respond within three days to Mr. Soriano's written opposition to the Prosecution's Motion to Re-instate him, but so far have not done so. Both Judge Pozon and Defense attorneys have expressed concern that if Mr. Soriano is re-instated as an accused in this trial, the Prosecution might have to present its case a second time.

¶4. III Marine Expeditionary Force (III MEF) Commander LtGen John Weber and staff visited Embassy Manila August 3 to consult with the Ambassador and the Embassy's Marine Working Group. All agreed on the importance that the Embassy and the Marine Corp continue their close coordination as the case approaches a verdict this Fall.

¶5. Mission continues to provide security, citizen services, and other support to the defendants. Personnel from III MEF, JUSMAG, the Regional Security Office (RSO), and the Consular Section continue to attend all court sessions. RSO remains pleased with the extent and quality of security support provided by the mayor's office and police department. The Consular Section continues to respond to family member inquiries.  
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